

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

NEFTALI MONTERROSA, et al.,

No. 2:20-cv-1563 TLN DB

**Plaintiffs,**

## ORDER

CITY OF VALLEJO, et al.,

## Defendants.

On January 24, 2023, plaintiffs filed a motion to compel. (ECF No. 59.) On February 8, 2023, plaintiffs noticed the motion for hearing before the undersigned on March 10, 2023, pursuant to Local Rule 302(c)(1).<sup>1</sup> (ECF No. 61.) Plaintiffs' motion asserts that plaintiffs served non-party Vallejo Police Officers Association ("VPOA") with a subpoena for production of documents on July 5, 2022. (ECF No. 59 at 6.) "VPOA has not produced a single responsive document, nor has Counsel for the VPOA raised any objections, nor communicated in any way with Plaintiffs."<sup>2</sup> (*Id.*)

<sup>1</sup> The undersigned finds plaintiffs' motion suitable for resolution without a hearing pursuant to Local Rule 230(g).

<sup>2</sup> Plaintiff also noticed defendant City of Vallejo with one of the subpoena's to VPOA, and "[t]he City of Vallejo did not object" to the subpoena. (ECF No. 59 at 5.)

1           “A Rule 45 subpoena is the only discovery method by which information may be obtained  
2 directly from a nonparty.” F. Subpoena, RUTTER GROUP PRAC. GUIDE FED. CIV. PRO. BEFORE  
3 TRIAL, Ch. 11(IV)-F. A copy of plaintiffs’ motion was served on the VPOA and the defendants.  
4 (ECF No. 59.) Pursuant to Local Rule 251(e) any response to plaintiffs’ motion was to be filed  
5 on or before March 3, 2023. No response to the motion was filed. After reviewing plaintiffs’  
6 briefing, and given the total failure to respond, the undersigned finds good cause to grant  
7 plaintiffs’ motion.

8           Accordingly, IT IS HEREBY ORDERED that:

9           1. Plaintiffs’ unopposed January 24, 2023 motion to compel (ECF No. 59) is granted;  
10           2. The March 10, 2023 hearing of plaintiffs’ motion is vacated; and  
11           3. Within seven days of the date of this order VPOA shall provide the responsive  
12 discovery without objection.

13 DATED: March 7, 2023

/s/ DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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